REMARKS/ARGUMENTS

Claims 1-24 are pending in the application. Claims 1, 9, and 17 have been amended. Reconsideration is respectfully requested. Applicants submit that the pending claims 1-24 are patentable over the art of record and allowance is respectfully requested of claims 1-24.

Claims 3-5, 11-13, and 19-21 are objected to because of informalities. Applicants respectfully traverse.

Claims 3-5, 11-13, and 19-21 add further novelty to claims 1, 9, and 17 and are not "inherent limitations of the independent claims", as the Examiner suggests.

Claims 3, 11, and 19 describe providing a preference setting statement for use in designating the storage group preference order. The preference setting statement is not mentioned in claims 1, 9, and 17, therefore, these claims recite a new element. For example, Applicants' Specification, on page 8, paragraph 24, describes that the preference setting statement is a new storage group preference statement provided by implementations of the invention, and, in certain implementations of the invention, the preference setting statement sets an indicator (e.g., a flag) to "on" to indicate that the order of storage groups listed in the StorageGroup statement is the storage group preference order.

Claims 4, 12, and 10 describe presetting a preference setting so that the storage group preference order is used. The preference setting statement is not mentioned in claims 1, 9, and 17, therefore, these claims recite a new element. For example, Applicants' Specification, on page 8, paragraph 24, describes the preference setting may be preset to indicate that the order of storage groups listed in the storage group statement is the storage group preference order (e.g., the preference setting is hard coded to "on").

Claims 5, 13, and 21 describe that a storage group preference policy includes the preference setting statement, and the storage group preference policy is not mentioned in claims 1, 9, and 17, therefore, these claims recite a new element.

Furthermore, MPEP Section 2106, subheading Claims Particularly Pointing Out and Distinctly Claiming the Invention, recites that "the applicant need not explicitly recite in the claims every feature of the invention." Thus, Applicant is not required to recite the elements of claims 3-5, 11-13, and 19-21 in their respective independent claims 1, 9, and 17. Thus,

Applicants respectfully submit that claims -5, 11-13, and 19-21 further limit the independent claims from which they depend.

Claims 1-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allen (U.S. Patent No. 5,491,810) in view of Traction. Applicants respectfully traverse.

Claims 1, 9, and 17 describe associating a cluster with a plurality of storage groups, designating a storage group preference order for data sets associated with the cluster, wherein the storage group preference order is identified with a storage group preference statement that designates a list of eligible storage groups for the data sets and the order in which the eligible storage groups are to be used (e.g., Specification, page 8, paragraphs 23-24; page 9, paragraphs 26-28), and, when a request to store a data set for the cluster is received, selecting one of the plurality of storage groups using the storage group preference order.

For example, implementations of the invention provide a new storage group preference statement, such as: StorageGroup = (Finance, Human Resources, Production) (e.g., Specification, page 7, paragraph 21). In this example, the StorageGroup statement designates Finance, Human Resources, and Production as a list of eligible storage groups for storage of a Finance Data Set (e.g., Specification, page 8, paragraph 23).

On the other hand, the Allen patent describes that each attempted storage of a data set will result in an analysis of all available storage systems and the creation of a linked chain of available data storage systems representing an ordered sequence of preferred data storage systems (Abstract). The process of creating a preference chain of candidate storage devices includes a determination of whether or not a particular storage device lacks a required characteristic (Col. 8, lines 4-35).

With the use of the claimed storage group preference statement that designates a list of eligible storage groups for the data sets and the order in which the eligible storage groups are to be used, the need for creating the chain of candidate storage devices is avoided.

There is no motivation to combine the Allen patent, which is directed to automated data storage system space allocation utilizing prioritized parameters (Title), and the Tracton patent, which is directed to dynamic content customization in a client-server environment (Title). However, even if combined, the combination of the Allen and Tracton patents does not teach or suggest the claimed subject matter.

Also, the Examiner submits that the Allen patent does not disclose the designating of the storage preference order is by way of a statement, but cites Traction as describing this at Col. 5, lines 28-33. The Tracton patent at Col. 5, lines 24-33, describes that a web page is generally composed of textual data, where some text is presented in a special format that is interpreted by the contacting application as directives for tacking some desired action, and most directives concern *formatting* preferences. Applicants respectfully submit that formatting preferences do not teach or suggest that the storage group preference order is identified with a storage group preference statement that designates a list of eligible storage groups for the data sets and the order in which the eligible storage groups are to be used.

The Examiner also submits that "the use of statements to designate preferences for storage was well known in the art." Applicants respectfully traverse. If the Examiner maintains the rejection of these claims, Applicants request that the Examiner cite a specific reference.

Thus, claims 1, 9, and 17 are not taught or suggested by the Allen patent or the Tracton patent, either alone or together.

Dependent claims 2-8, 10-16, and 18-24 incorporate the language of independent claims 1, 9, and 17 and add additional novel elements. Therefore, dependent claims 2-8, 10-16, and 18-24 are taught or suggested by the Allen patent or the Tracton patent, either alone or together, for at least the same reasons as were discussed with respect to claims 1, 9, and 17.

Conclusion

For all the above reasons, Applicants submit that the pending claims 1-24 are patentable over the art of record. Applicants have not added any claims. Nonetheless, should any additional fees be required, please charge Deposit Account No. 09-0466.

The attorney of record invites the Examiner to contact her at (310) 553-7973 if the Examiner believes such contact would advance the prosecution of the case.

Dated: December 22, 2006   By:__/Janaki K. Davda/_____

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